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FOL are latest developments Artukovic case: In habeas corpus proceeding brought by Artukovic result his arrest in extradition case instigated by YUGO GOVT. Judge Hall US DIST Court Los Angeles rendered July 14 decision holding 1902 Extradition Treaty between US and Serbia not MPT not in existence between US and present YUGO GOVT. ATTY for YUGO GOVT stated appeal WLD be taken. Bail reduced from fifty to five THOUS DOLS.

In deportation case Los Angeles Hearing Officer decision ordering deportation was mailed Artukovic's ATTY June 30. This starts time running within which exceptions may be filed, which WLD then come before Board Immigration Appeals. INS has informally commented to DEPT that deportation therefore not imminent and that pendency of extradition appeal if taken WLD be legal impediment to deportation. Press report that Hearing Officer said eventual deportation WLD be to Ireland.

DEPT exploring implications of Hall decision and will comment further when 55 page decision becomes available.

ACME/STN

Drafted by: EUR:ER, HHS:ahw 7/16/52	Telegraphic transmission and classification approved by: John C. Campbell
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NAZI WAR CRIMES DISCLOSURE ACT
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YUGOSLAVIA
July 17, 1952

U.S. REFUSES TO EXTRADITE WAR CRIMINAL

Belgrade, Yugoslav Home Service, July 16, 1952, 1830 GMT--N

(Excerpts)

In connection with the Los Angeles court decision on war criminal Andrija Artukovic, the legal adviser at the Foreign Ministry, Ambassador Dr. Milenbarto, made the following statement for Radio Belgrade:

In connection with the Los Angeles court decision on Ustashi war criminal Andrija Artukovic, today we received an official report. The Los Angeles Judge has taken the view that the American legal system allows the extradition of culprits only in a conventional and reciprocal case, namely, if an extradition agreement exists between the United States and the country which requests the extradition.

The Judge also took the view that such an agreement does not exist between Yugoslavia and the United States, believing that the agreement on extradition of criminals entered into between the former Kingdom of Serbia and the United States does not apply to Yugoslavia since it is a new state. We do not want to criticize a decision before it has been executed or before we exhaust all the legal and juridical remedies, but we are convinced that this decision, however symptomatic and regardless of how it strikes the sensitive feelings of our people, must not be made an irrevocable decision.

The decision was not handed down by a court but by a judge who (Three words unintelligible--Ed.). Besides, this judge has himself exercised a right which, according to American practice and legal procedure, he is not entitled to. He ruled on the applicability of an international agreement.

Yugoslavia's Contentions

We must say that our Government (relies on) an explicit statement made by the State Department in 1951 to the effect that the controversial agreement between the two States was still in force. On the other hand, the American legal system provides that the question of the validity of a diplomatic agreement is for the court a political question, and in such a case, because of its importance, is to be decided by the Secretary of State personally.

We believe that this thesis will not be questioned by a higher court. On the other hand, the judge did not cancel the detention measure against Artukovic, which should have been the normal consequence of his decision.

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YUGOSLAVIA

July 17, 1952

The question of the amount of bail for the conditional release of the culprit reveals the leniency of this judge toward a war criminal who is responsible for the death of innumerable innocent men, women, and children. The Judge's decision is a thorn in the side of our people, but it will not discourage our people. This is why we will continue our endeavors in the belief that justice is slow but attainable.

POLITIKA Discusses Question

Belgrade, TANYUG, in English Morse to Europe, July 16, 1952, 0830 GMT--E

(Text)

Belgrade--Today's POLITIKA reacts sharply to reports of some foreign agencies that a Federal Judge from Los Angeles, Pierson Hall, yesterday refused to extradite Yugoslav war criminal Andrija Artukovic, Minister in the Government of the former puppet fascist State of Croatia. A short time ago a decision was also adopted to deport Artukovic from the United States as persona non grata with the recommendation that he be sent to Ireland, where he had fled after leaving Yugoslavia in 1945.

POLITIKA terms Judge Hall's decision an attempt to save a war criminal and asks whether Judge Hall has not exceeded the bounds of his jurisdiction, since the American Government, together with other Allies, in Moscow and Teheran promised to punish and extradite war criminals. The paper states that during the war Artukovic was a criminal and enemy of all for which the Allies fought. His extradition to Yugoslavia is a moral obligation of the Allies which must not be impeded by any obstacle, least of all by the formal legal clause which the Federal Judge invokes.

Hall is of the view that the agreement concluded between the United States and Serbia in 1902 on the extradition of criminals is no longer applicable. However, POLITIKA says, Serbia's international obligations were taken over by Yugoslavia, which was founded in 1919, and this agreement has not ceased to be binding, for neither party to it has canceled it.

It is commonly known that Artukovic, as Minister of the Interior of the so-called independent State of Croatia, is guilty of the murder of thousands of Serbs, Jews, and Croats. After the downfall of the Hitlerites, he fled abroad, and a year ago it was ascertained that he was working in Los Angeles under an alias. The Yugoslav Government requested his extradition in order to place him on trial.